



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,234	08/07/2006	Peter Karges	2003P18854	1800
24131	7590	06/20/2007		
LERNER GREENBERG STEMER LLP			EXAMINER	
P O BOX 2480			NGUYEN, VINCENT Q	
HOLLYWOOD, FL 33022-2480			ART UNIT	PAPER NUMBER
			2858	
			MAIL DATE	DELIVERY MODE
			06/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/586,234

Applicant(s)

KARGES ET AL.

Examiner

Vincent Q. Nguyen

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/16/2007, 7/17/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 5, the examiner is unclear the connections of the first and the second additional resistance elements. For example, with regarding the limitations of: "... said additional resistance elements including a first additional resistance

Art Unit: 2858

element connected in a second measuring circuit between said first measuring connection and said third measuring connection” What is the “second measuring circuit”? Pertinence to the discussion above, what is the third measuring circuit (Claim 5, line 19)?

Still refer to claim 5, where do the first and the second additional resistance elements connect to? The limitations such as: “a first additional resistance element connected in a second measuring circuit between said first measuring connection and said third measuring connection” is confusing since the examiner is unclear whether the first and the second additional resistance elements are electrical connected between the first and the third connections or they are simply positioned between the connections.

In addition to the discussion above, the examiner is confusing the limitations of: “said resistance elements connected to one another in parallel within a first measuring circuit between said first measuring connection and said second measuring connection”. It is respectfully reminded that parallel means that: “Circuit having two or more paths for current flow. Also called shunt.” (They must have the same voltage). Examiner does not see how resistance elements (R_1 - R_3) are connected in parallel since they don’t have the same voltage.

For the purpose of examination, examiner assumes that the claim is intended to recite resistance elements are laid out parallel to one other and are serially connected to form the third and the fourth connections.

Claims 6-8 are rejected as being dependent to the rejected claim 5.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by figure 2 (Applicant admitted prior art).

With respect to claims 5-8, the prior art of figure 2 discloses a circuit configuration for recognizing an occupancy of a vehicle seat comprising a first measuring connection (C1); a second measuring connection (C2); a third measuring connection (3); a fourth measuring connection (4); and weight-sensitive resistance elements (R1, R2) disposed in a separated and flat manner on the vehicle seat, said weight-sensitive resistance elements (R1, R2) having resistance elements and additional resistance elements (R-SBR1, R-SBR2), said resistance elements connected to one another and are laid out parallel within a first measuring circuit between said first measuring connection (C1) and said second measuring connection (C2), said additional resistance elements (R-SBR1, R-SBR2) including a first additional resistance element (R-SBR1) connected in a second measuring circuit between said first measuring connection (C1) and said third measuring connection (3), said additional resistance elements including a second additional resistance element (R-SBR2) connected in a

Art Unit: 2858

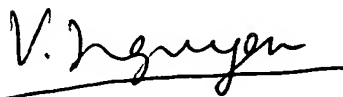
third measuring circuit between said second measuring connection (C2) and said fourth measuring connection (4) (The measuring circuits are the circuit elements for the purpose of measurements).

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent Q. Nguyen whose telephone number is (571) 272-2234. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


June 13, 2007

Vincent Q. Nguyen
Primary Examiner
Art Unit 2858